



MIRANDA SLONE SKLARIN VERVENIOTIS LLP

MICHAEL A. MIRANDA*
STEVEN VERVENIOTIS
ONDINE SLONE
RICHARD S. SKLARIN^o
MAURIZIO SAVOJARDO
ANDREW B. KAUFMAN[±]
LAWRENCE S. WASSERMAN*

*ALSO ADMITTED IN NEW JERSEY
±ALSO ADMITTED IN DISTRICT OF COLUMBIA
^o RESIDENT IN WESTCHESTER

WRITER'S E-MAIL:
SVVERVENIOTIS@MSSSV.COM

WRITER'S DIRECT DIAL:
516-741-7676

THE ESPOSITO BUILDING
240 MINEOLA BOULEVARD
MINEOLA, NY 11501
TEL (516) 741-7676
FAX (516) 741-9060

WWW.MSSSV.COM

BRANCH OFFICES:
WESTCHESTER, NY
NEW YORK, NY
WOODBIDGE, NJ

SENIOR COUNSEL
LOUISE FASANO
ABRAHAM WARMBRAND
LAURA ALTO
GABRIELLA CAMPIGLIA

ASSOCIATES
RICHARD B. EPSTEIN
CHRISTOPHER J. LAMPERT*
BRANDON H. DORMAN
ANDRÉ S. HAYNES
JOSHUA A. SCERBO^o
WALDER THAME-TURNER^o

October 24, 2023

BY ECF

Magistrate Judge Peggy Kuo
United States District Court
Eastern District of New York
225 Cadman Plaza East
Courtroom 11C South
Brooklyn, New York 11201

Re: Falls Lake Nat'l Ins. Co.v. Kalnitech Constr. Corp. et. al.
Docket No: 1:22-cv-01473-KAM-PK
Our File No: 19-208

Dear Judge Kuo,

As per your Honor's prior directives, the parties hereby jointly report that we were not able to reach a settlement of this case at mediation. Indeed, even with counsel and insurers for the parties in the underlying action also at the mediation, the parties were told that it was the mediator's belief that no settlement would be reached for the foreseeable future in the state court case or the coverage case. So, at this juncture, the parties have mixed opinions as to whether a settlement conference would yield any results unless new facts have come to light, and we have the added complication that we need the participation of the attorneys from the underlying action to any settlement discussion in that this insurance coverage case can be settled only if the underlying action also is settled. Thus, plaintiff will proceed to file a new request for leave to move for summary judgment as previously discussed with Your Honor.

Respectfully submitted,
MIRANDA SLONE SKLARIN VERVENIOTIS LLP

s/Steven Verveniotis

Steven Verveniotis

cc: All counsel of record by ECF